

# **2015 EXCEL CONFERENCE AGENDA**

## **(*EX*amining Conflicts in *E*mployment *L*aw)**

The EXCEL Conference is where EEO, HR , and ADR practitioners from private and federal organizations gather for four days of outstanding education, training and professional development. There are three plenary sessions, two specialty tracks, and over 50 open workshops that give participants the needed knowledge, and skills to enhance their performance, and meet the evolving demands of today's workplace.

The workshops are designated by attending audience to assist participants in selecting the most appropriate session. These designations are suggestions and participants are encouraged to explore the different open workshops. Participants are asked to select one open workshop from each of the sessions listed below. Plenary sessions occur on Tuesday, Wednesday and Thursday morning. Attendees enrolled in the specialty tracks are not scheduled to participate in the Wednesday and Thursday plenary sessions.

The Specialty Tracks are Hearings Preparation and Barrier Analysis and are limited to 40 participants.

### **SUNDAY, August 9, 2015**

Conference Registration – 3:00 p.m. – 7:00 p.m.

### **MONDAY, August 10, 2015**

Pre-Conference Sessions - 8:30 a.m. – 4:30 p.m.

#### **A. Counselor and Investigator Refresher Training**

Session will meet requirements for eight hours of annual refresher training for counselors and investigators as outlined in MD-110.

#### **B. Hearings before the EEOC and MSPB**

Session will cover discovery, summary judgment, mixed cases, mixed appeals, settlements and sanctions. Get tips of what to do and what not to do in hearings before the EEOC and the MSPB.

## **TUESDAY, August 11, 2015**

7:00 a.m. – 8:15 a.m. Continental Breakfast

### **8:15 a.m. – 10:00 a.m. PLENARY SESSIONS**

8:15 a.m. – 8:25 a.m. Welcome and Opening Color Guard

8:25 a.m. – 8:35 a.m. Greetings from EEOC Chair Jenny R. Yang and Introduction of Keynote Speaker

8:40 a.m. – 9:10 a.m. Opening Keynote: Charlayne Hunter-Gault, award-winning journalist reflecting on the history civil rights in the U.S.

9:15 a.m. – 10:15 a.m. EEOC 50<sup>th</sup> Anniversary Chair Panel – Chair Yang hosts a panel of past EEOC Chairs to discuss the EEOC's 50 years as a federal agency.

### **10:15 a.m. - 10:30 a.m. Mid-Morning Break**

#### ***WORKSHOP SESSION I: 10:30 a.m. – 12:00p.m.***

##### **A. Pay Equity Panel** (Private Sector audience)

This panel will explore the social construction of pay inequity and the potential solutions to eliminating the wage gap.

##### **B. EEOC Laws and Procedures: The Abridged Version** (Private sector audience)

This session on EEOC Laws and Procedures is a great introduction to EEOC for new HR professionals, managers or supervisors. You will learn the basics on the laws enforced, jurisdictional matters and processing procedures.

##### **C. Save Time and Money -- Settle Early!** (Federal audience)

Find out how much money can be saved through early settlement and learn other benefits to early settlement. This class will explore the economics of various stages of settlement by analyzing EEOC's Federal workforce data, No Fear Act data, as well as anecdotal data from EEO Federal Sector practitioners. Be able to share information with agency officials and clients about the economics of settlements so that hard data can be included as part of the settlement decision-making process.

##### **D. A Solid Gold Retrospective: 50 Years of the Federal Sector's Greatest Hits** (Federal audience) (First Offering)

It may not have a good beat and you sure can't dance to it, but 50 years on, Title VII and other federal EEO statutes have produced an extensive body of case law protecting the rights of federal employees and applicants. Join us as we look back from the cutting edge to examine notable decisions from the past that continue to impact our future.

E. **Let's Make a Deal: Resolving EEO Issues During Counseling** (Federal audience)

Facilitators will guide participants through phases of the counseling process using various video clips. This interactive workshop will give participants the opportunity to identify and correct errors in the counseling process through volunteering in role play activities and hands-on-demonstrations. Participants will develop skills to navigate the complexities of an EEO counseling and leave with a better understanding of an effective counseling process and techniques to increase early resolution.

F. **Intensive Accommodations: CAP and JAN deconstruct challenging accommodation issues** (Federal Audience)

Utilizing the combined history and experiences of the Computer/Electronic Accommodations Program (CAP) and the Job Accommodation Network (JAN), this session will look at case studies of accommodation challenges covering a range of circumstances. Examining the approaches used in these demanding cases, including interviews with recipients, presenters demystify accommodation scenarios, while providing real world advice, both technical and practical, in the use of CAP and JAN services.

G. **Inexplicably Intertwined: Why We Get So Mixed Up about Mixed Cases** (Federal audience)

It is easier to grapple with mixed cases when you understand the objective of the mixed case process. This session will focus on the aim of these often misunderstood rules as well as an understanding of mixed case procedures, including when elections can occur, what constitutes an "irrevocable" election, how collective bargaining agreements affect the elections, and practical tips why one forum should be elected over another.

H. **Managing a Remote Possibility – Federal Telework** (Federal audience)

For years, the Federal Government has expanded its remote workforce and sought to achieve promised savings and better work-life balance for its employees. Has telework actually fulfilled its promise? What are the side effects and ramifications of managing telework in the world of EEO? Gathering an eclectic panel of telework experiences and insight, this session first examines how telework has affected the workplace in general, and then concludes with a lively discussion on how telework can affect EEO goals and possibilities.

## **I. Hearings Prep Specialty Track (Federal audience)**

The Hearings Prep Track is designed to provide participants with the opportunity to learn how to prepare for and participate in an EEOC hearing before an EEOC Administrative Judge under the guidance of experienced practitioners. The participants will be provided with a Report of Investigation and background materials. In the preparation phase we will discuss each stage of preparing for an EEOC hearing from receipt of the Acknowledgment and Order, discovery, depositions, motions for summary judgment, identification of issues and witnesses, and preparation of witnesses. The participants will then participate in a mock hearing with an EEOC Administrative Judge including opening statements, examination and cross examination of witnesses, and closing statements. The Administrative Judge will then issue his/her decision. The participants will have an opportunity to discuss all aspects of the preparation for and holding of the hearing.

## **12:00p.m. - 1:30 p.m. - Lunch**

### ***WORKSHOP SESSION II: 1:30 p.m. – 3:00 p.m.***

#### **A. Reasonable Accommodation - Beyond the Basics (Private/Federal audience)**

Join EEOC's experts for a lively discussion of accommodation issues, including a case update and practical advice. What are the toughest reasonable accommodation issues for your agency to resolve - telework, documentation, leave, travel? This session will explore beyond the basics of these and other increasingly common, yet potentially complex, reasonable accommodation matters. Bring your questions and your notebook to hear and discuss EEOC's take on how to handle some of the most difficult, complicated, and/or otherwise problematic reasonable accommodation questions. It will present no undue hardship to attend this session and you will leave with fresh ideas and be reenergized.

#### **B. When Religion and Work Collide (Private/Federal audience)**

Navigating this difficult and contentious area is a challenge faced by many employers. The question of rights is frequently dismissed as the public debate frequently focuses on issues with religious overtones. Explore the rights and responsibilities of employees and employers with an emphasis on practical tips for minimizing disputes and resolving issues.

#### **C. Taking the Bully by the Horns (Private/Federal audience)**

Bullying involves a more powerful person or group oppressing a less powerful person or group, often on the grounds of "difference," such as race, culture, ethnicity, gender, sexuality, sexual orientation, ability or disability, religion, body size and physical appearance, age, marital status or economic status. Sounds a lot like harassment, doesn't it? In this session we will define and

distinguish workplace bullying and workplace harassment and describe the duties of employers, supervisors, and workers in responding to these types of behaviors.

**D. OFCCP Highlights (Private audience)**

Patricia A Shui, Director of the DOL/OFCCP, and staff will provide attendees with the latest information on the implementation of Executive Orders on Wage Transparencies, LGBT and other hot topics.

**E. I Got a Letter from the EEOC and it is not an Invitation to a Seminar (Private Sector audience)**

What happens when a charge of discrimination is filed against your company? This session is full of tips on how to navigate the EEOC charge process when a charge has been filed. Learn about options, investigations and resolutions and how to make your first shot, your best shot.

**F. A Solid Gold Retrospective: 50 Years of the Federal Sector's Greatest Hits (Federal audience) (Second Offering)**

It may not have a good beat and you sure can't dance to it, but 50 years on, Title VII and other federal EEO statutes have produced an extensive body of case law protecting the rights of federal employees and applicants. Join us as we look back from the cutting edge to examine notable decisions from the past that continue to impact our future.

**G. What's So Special About Special Emphasis Programs? (Federal audience)**

Special Emphasis Programs (SEP) are not about bake sales or once-a-year observances. This class will provide a history of federal special emphasis programs and their true purpose: to assist in the recruitment, development, training and advancement of persons with disabilities, women, Hispanics and others. This session will provide Special Emphasis Program managers and staff with the tools to re-focus SEP efforts and make them relevant to the entire workforce.

**H. Creating Innovative Workplace ADR Programs (Federal audience)**

The Federal government is, and should be, a leader in serving as the model employer. And we, as Federal government employees owe it to the public to serve our agencies as model employees, quickly resolving disputes as they arise in order to better fulfill our agencies' respective missions. Join in a discussion with seasoned EEOC employees about the growing use of other forms of ADR beyond mediation, such as the EASE (EEOC Administrative Settlement Envoy) Initiative, which uses evaluative techniques in settlement conferences to resolve conflicts in the workplace.

**I. Hearings Preparation Track**

## **3:00p.m.-3:30p.m. - Mid-Afternoon Break**

### ***WORKSHOP SESSION III: 3:30 p.m. – 5:00 p.m.***

#### **A. Addressing the Elephant in the Room – Dealing with Covert Practices** (Private/Federal audience)

There are many situations in organizations where a manager and staff members avoid addressing conflict and issues directly. The tension from these dynamics takes the form of covert processes, issues that are not seen and not addressed which results in a non-productive workplace and preventable complaints. Learn how to identify and understand covert processes and intentional and unintentional symbolic communications.

#### **B. When Religion and Work Collide** (Private/Federal audience)

Navigating this difficult and contentious area is a challenge faced by many employers. The question of rights is frequently dismissed as the public debate frequently focuses on issues with religious overtones. Explore the rights and responsibilities of employees and employers with an emphasis on practical tips for minimizing disputes and resolving issues.

#### **C. EEOC Laws and Procedures: The Abridged Version** (Private sector audience)

This session on EEOC Laws and Procedures is a great introduction to EEOC for new HR professionals, managers or supervisors. You will learn the basics on the laws enforced, jurisdictional matters and processing procedures.

#### **D. Shhh! – What the Privacy Act Means to Federal Employees** (Federal audience)

Employers are getting nosier by the minute as employees are growing more concerned about privacy in the workplace. Join representatives from EEOC's Office of Legal Counsel as they discuss the basics of the Privacy Act, its protections against nondisclosure, and how these issues are most likely to arise during the federal EEO process.

#### **E. How Does that Work? Understanding Veterans Hiring Authorities and Programs** (Federal audience)

While available for decades, veterans' preference and special hiring authorities have been given increased emphasis in recent years, and additional veterans' hiring programs have come into being or have changed dramatically. As a result, confusion over the application of veterans' hiring authorities and programs, both public and private, is commonplace - especially in EEO offices. This session, with representatives from OPM, DOD, and VA, will clarify veterans' hiring authorities and programs and their place in the hiring process, as well untangle the use of various new hiring programs such as Operation Warfighter and Hiring Heroes.

**F. “What’s in: What’s out? Drafting Clear Letters of Acceptance and Dismissal**  
(Federal audience)

Are the allegations actually facts in support of individual acts of disparate treatment or part of a claim of harassment? This session will show how to write a clear acceptance letter, explaining which are the bases and the real claims and which are simply the alleged discriminatory acts that support those claims. Learn how to write a clear statement of the claims not accepted and the reasons they are rejected.

**G. EEO Investigations: WWSHD (What Would Sherlock Holmes Do?)** (Federal audience)

Wouldn’t you be surprised to find that your role as an EEO Investigator has many similarities to that of a detective? Yes, their roles are different, but some of the same strategies that help detectives problem solve and crack a case can also translate into EEO investigations. Facilitators will lead participants through an interactive “toolbox” with tips to maintain open communication, gather relevant information, assess whether an investigation is thorough, divert potential investigation pitfalls, and develop checkpoints throughout the process.

**H. Sanctions and Default Judgments – How to Obtain them and How to Avoid them**  
(Federal audience)

EEOC sanctions parties who fail to comply with orders. These sanctions include, for example, monetary awards, default judgments and dismissal of a hearing request. Complainants will learn how to create a record to lead to a sanction, when to ask for a default judgment, and what remedies are available; Agencies will learn how to defend against and avoid a default judgment or other sanction.

**I. What’s New for You in 462?** (Federal audience)

Enough said – learn more than you ever wanted to know about EEOC’s Form 462 (complaints data), including an update on all the new bells and whistles for FY 2015. Become the resident 462 expert at your agency in a mere 90 minutes.

**I. Hearings Preparation Track**

## **WEDNESDAY, August 12, 2015**

7:00 a.m. – 8:30 a.m. Continental Breakfast

### **8:30 a.m. – 10:00 a.m. PLENARY SESSIONS**

8:30 – 9:15 Opening Plenary: U.S. Department of Labor Secretary Thomas Perez reflects on the current state of civil rights in the U.S.

9:15 – 10:00 Panel Discussion with Federal Leaders on Current State of Civil Rights: Kathleen Archeleta, U.S. O.P.M. and Susan Grundmann, U.S. M.S.P.B.

9:15 – 10:00 Private Sector Panel: 50 Years of Past and Ongoing Employment Discrimination Issues

### **10:00 a.m. - 10:30 a.m. - Mid-Morning Break**

#### ***WORKSHOP SESSION IV: 10:30 a.m. – 12:00p.m.***

##### **A. Pregnancy Discrimination: Why Do We Labor Over It? (Private/Federal audience)**

Join an interactive discussion with a panel of experts on the subject of accommodating pregnancy-related limitations under the Rehabilitation Act, the ADA and the Pregnancy Discrimination Act. The panel will share first-hand observations of the Supreme Court hearing in *Young v. UPS*, share best practices, and discuss common accommodations for pregnancy-related limitations.

##### **B. Dealing with “Difficult” People in Conflict (Private/Federal audience)**

Difficult People are everywhere! Or are they? Each and every day, we encounter people whose behavior comes across to us as obstructive, obnoxious, stubborn, offensive or worse. What are the roots of difficult behavior, and what are the best strategies for dealing with these encounters? Understanding the human emotional response process that underlies behaviors we define as “difficult” can lend great insight into these perplexing questions.

##### **C. Race and Color: It’s Not Just Black and White Anymore (Private/Federal audience)**

The social construct of race has moved beyond a black and white divide. As our country’s demographics change so do our workforces. This session explores the court case history of race and color discrimination and addresses current issues of race and color discrimination.



**D. ABCs of an Effective EEO Investigation (Private Sector audience)**

When an employee complains to their employer, whether informally or by filing an EEOC charge, the employer's response can either be an opportunity for increased trust and engagement or, at worst, litigation. This session will provide the basics for conducting an effective investigation so that employee complaints can be handled promptly, fairly and effectively.

**E. Using Data to Support the Business Case for EEO/Diversity Efforts (Private/Federal audience)**

Everywhere, people are talking about big data—"high-volume, high-velocity, and high-variety information assets"—and exploring ways to process that data and use it towards refining insights and making better decisions. This session will provide an introduction to big data, predictive analytics, and data visualization, and lead a discussion on how these emerging concepts can be applied in the Diversity & Inclusion, EEO and Human Resources contexts. Be prepared to discuss ways that various data points (i.e. recruitment data, exit data, employee survey data, and complaint data) could be used by the modern D&I, EEO, and HR offices to drive employee engagement and explore ideas for what collaboration between professionals can do to advance the benefits of big data.

**F. Class is in Session! (Federal audience)**

Take a look at the EEOC class certification process from the EEO counseling stage through a decision by an EEOC AJ and OFO on whether a class should be certified. What is required for typicality, commonality, numerosity and adequacy of representation? Learn how to get your class certified or how to defeat a motion for class certification.

**G. When EEO and HR are BFFs – Ways to Improve Investigations through Partnership. (Federal audience)**

In this presentation, a panel will discuss how to create an effective partnership between EEO and HR that can have immediate benefits on the quality of agency EEO investigations, including improving management's understanding of its obligations, more efficiently collecting documentation, meeting regulatory timeframes and decreasing remands.

**H. Raising the BAR-rier Analysis: Diversity at the Top. (Federal audience)**

The long-term success of federal agencies requires a diverse body of talent that can bring fresh ideas, perspectives and views to their work. Diversity in the more senior grades, including the SES, has proven a challenge within the federal government. We will explore the barriers to diversity in the senior grades and senior management, discuss strategies to enhance affirmative employment' and outline necessary government wide strategies to ensure a more diverse and inclusive pipeline leading to senior leadership.

I. **Hearings Preparation Track**

J. **MD-715 Barrier Analysis Track**

This two-day session covers all aspects of the barrier analysis process to include: legal and public policy foundations; analysis and interpretation of workforce statistics found in MD-715 data tables; trigger identification; barrier analysis investigation; organizing findings and preparing action plans designed to eliminate barriers; and follow-up on MD-715 reports from previous reporting cycles. The session will present hands-on simulations of actual situations typically encountered in preparing MD-715 reports.

**12:00pm-1:30pm - Lunch**

***WORKSHOP SESSION V: 1:30 p.m. – 3:00 p.m.***

A. **Pregnancy Discrimination: Why Do We Labor Over It?** (Private/Federal audience)  
(Second Offering)

Join an interactive discussion with a panel of experts on the subject of accommodating pregnancy-related limitations under the Rehabilitation Act, the ADA and the Pregnancy Discrimination Act. The panel will share first-hand observations of the Supreme Court hearing in *Young v. UPS*, share best practices, and discuss common accommodations for pregnancy-related limitations.

B. **Tales from the Bank Vault –The Evolution of Anti-Harassment Law** (Private/Federal audience)

It all started with Mechelle Vinson and Meritor Bank. This class begins with the Supreme Court's first recognition of sexual harassment under Title VII in 1986 and tracks the evolution of anti-harassment law covering all EEO bases over the ensuing 29 years.

C. **Retaliation: Why Is It the Most Frequently Filed Charge?** (Private/Federal audience)  
(First Offering)

Retaliation remains the most frequently filed charge with the EEOC. This session will address what you can do to prevent your company from joining that list. This session offers insight on significant court cases and best practices for avoiding retaliation claims.

D. **Top Ten Litigation** (Private sector audience)

In this session, EEOC's Office of General Counsel reveals the top 10 most noteworthy litigation developments.

E. **How Do You Like Me Now? Remaking the Federal Government as a Model ADA Employer** (Federal audience)

It has been five years and counting since EO 13548 mandated that the federal government become a model employer of individuals with disabilities, and many Federal agencies are still struggling to provide meaning to the concept. This interactive panel will candidly examine the pros and cons of where the federal government stands today in its quest to be a model employer, as well as address barriers and best practices in recruiting, hiring, retaining and advancing those with disabilities.

F. **A Funny Thing Happened on the Way to the [OFO] Forum.** (Federal audience)

Looking for a forum in which you can make a suggestion to OFO or simply need an answer to a technical question? Here is your chance to ask questions and enter into dialogue with a panel of OFO staff. Come prepared with your questions and comments, and to consider all points of view.

G. **Oh, What a Relief it is!** (Federal audience)

Is there a remedy for that? Learn what kinds of remedies are available to a successful federal EEO complainant. Complainant representatives will learn what to seek, how to obtain evidence, and how to present evidence to achieve the requested relief. Agency representatives will learn how to mitigate damages and limit equitable relief.

H. **Federal Workplace ADR – a Perspective from the Regulators** (Federal audience)

Hear from a panel of regulators from OSC, FLRA, MSPB, and the EEOC on what these respective agencies are doing to promote and effectuate successful ADR in the Federal workplace.

I. **Hearings Preparation Track**

J. **MD-715 Barrier Analysis Track**

**3:00 p.m. - 3:30 p.m. - Mid-Afternoon Break**

***WORKSHOP SESSION VI: 3:30 p.m. – 5:00 p.m.***

A. **Ethics** (two hour session 3:30 – 5:30) (Private/Federal audience)

B. **Retaliation: Why Is It the Most Frequently Filed Charge?** (Private/Federal audience)  
(Second Offering)

Retaliation remains the most frequently filed charge with the EEOC. This session will address what you can do to prevent your company from joining that list. This session offers insight on significant court cases and best practices for avoiding retaliation claims.

C. **A Look inside the Numbers: Systemic Considerations in Recruitment & Hiring**  
(Private Sector audience)

In this lively session, EEOC staff will look at the pattern and practice of systemic discrimination in recruitment and hiring.

D. **Service Dogs as an Accommodation.** (Private/Federal audience)

The presence of service dogs in the workplace is becoming increasingly more common, yet many professionals are still unaware of appropriate reasonable accommodations to provide handlers and their dogs and how to deal with the complex questions that arise as a result of including a service dog in the workplace. This presentation will provide an in-depth look at discriminatory perspectives, best practices in the workplace, and the importance of the interactive process when an employee works with a service dog.

E. **I Dream of GINA: EEOC Enforcement of Title II of the Genetic Information Nondiscrimination Act of 2008** (Private/Federal audience)

Come learn about what is genetic information, what does GINA prohibit employers from doing with genetic information and what can a person do if he or she believes an employer has violated GINA

F. **Can We Talk?** (Private/Federal audience)

Create a place where you want to work! Learn how to use dialogue to raise awareness of the impact of diversity and inclusion on workforce effectiveness and creativity. Confront assumptions, perceptions, and stereotypes that impede personal effectiveness. Use dialogue to create a workplace where differences are embraced and individuals are valued for their unique contributions.

G. **Coaching Your Agency Into the Future: An Innovative Practice for the Workplace**  
(Federal audience)

Conflict coaching in the workplace is rapidly gaining acceptance as a valuable tool for addressing workplace issues that cannot be handled through more traditional forms of conflict resolution. Hear from a panel of experts and join the discussion about how you might use the same approach in your workplace.

**H. EEO Investigation Contracts - Want to Get Paid? Give Me What I Need** (Federal audience)

Do you use contract investigators? AJs and parties too often find themselves limited and exasperated by deficient ROIs. Wish the ROI contained better and more relevant information? Should your contract investigator have pursued and interviewed other leads brought up during the investigation? This session will teach you how to draft a contract for EEO investigative services that ensures the investigator will gather and include in the ROI the information necessary to litigate in the administrative forum if the Complainant elects a hearing before an AJ, and/or to issue a Final Agency Decision (FAD).

**I. Hearings Preparation Track**

**J. MD-715 Barrier Analysis Track**

**THURSDAY, August 13, 2015, 8:30 a.m – 10:00 a.m.**

**PLENARY SESSIONS**

8:30 – 9:15 Aneesh Chopra , First Chief Technology Officer of the United States sharing insight on how we might solve our biggest challenges through collaboration.

9:15 – 10:00 U.S. Department of Transportation Secretary Anthony Foxx discussing the interconnected civil rights issues of the future.

***WORKSHOP SESSION VII: 10:30 a.m. – 12:00p.m.***

**A. Back to the Future: The 2065 Workforce** (Private/Federal audience)

Glance around the workplace and everyone looks like you? Most likely not. The demographics of the American workforce have changed dramatically over the last 50 years and show no signs of slowing down, thus making diversity and inclusion a hot topic. Be light years ahead of the curve and learn about workplace 2065 and what it takes to sustain a diverse and inclusive workforce beyond today.

**B. Don't Take it Personally: Maintaining Professionalism After Being Named in an EEO Charge or Complaint** (Private/Federal audience)

Whether it's the first or fifteenth time that you have been named in an EEO complaint or charge, it is human nature to take it personally. But DON'T! This session explores the variety of ways a manager may choose to respond when named in an EEO complaint or charge and explores the most effective ways to avoid a misperception of retaliatory behavior. We will discuss retaliation,

what it is and what it is not, and how to continue to manage the workforce to ensure ongoing productivity.

**C. Dealing with Emotions in Mediation - (Private/Federal audience)**

Mediations are usually emotional. Mediators and attorneys may want to manage emotions by suppressing them, out of fear that emotions will control the process. This usually backfires. This workshop will demonstrate how to work *with* emotions in mediation, by viewing video clips and role-playing ways to incorporate emotions into successful mediations.

**D. Tricky ADA/GINA Situations (Private/Federal audience)**

It has been 25 years since the passing of the Americans with Disabilities Act of 1990. Some ADA questions never seem to go away and new law creates new questions. This lively session will address some tricky ADA situations (direct threat, leave as a reasonable accommodation, etc.) from the viewpoints of attorneys representing plaintiffs, defendants and the EEOC. GINA is the newest law enforced by the EEOC and many situations exist that lend themselves to violating GINA.

**E. Workplace Harassment: You Know What It Is, Now What Do You Do About It? (Private sector audience)**

The dos and don'ts in preventing and correcting workplace harassment complaints are covered in this session. Hear about the most common mistakes even well intentioned employers make that present liability. Bring your questions.

**F. Some Agencies Are More Equal Than Others (Federal audience)**

In a perfect world, every federal agency would be the best-ever place to work. But until we live in that perfect world, we can learn from two agencies that have already achieved "best place to work" status, and two more that are racking up improvements. Come join us for a discussion of best practices to boost employee morale and workplace satisfaction.

**G. Create a Place Where You Want to Work. (Federal audience)**

Fostering inclusion and realizing the full potential of the diversity of our federal workforce requires that leaders continually seek out opportunities to gain important insights into behaviors that both further and hinder fairness, openness, cooperation, and empowerment. This hands-on workshop discusses how to engage your leaders in promoting employee engagement and satisfaction to your agency.

H. **Here Comes the Judge!** (Federal audience)

Do you have questions for our panel of veteran EEOC administrative judges? This is your opportunity to voice them. Come prepared for a lively, interactive session.

I. **Hearings Preparation Track**

J. **MD – 715 Barrier Analysis Track**

**12:00 p.m. - 1:30 p.m. - Lunch**

***WORKSHOP SESSION VIII: 1:30 p.m. – 3:00 p.m.***

A. **Why isn't Showing up an Essential Function of your Job?** (Private/Federal audience)

This session will explore the difference between essential functions and qualification standards under the Rehabilitation Act and ADA and discuss why -- after 25 years -- this issue can still confuse even the most skilled EEO practitioner. Part of its analysis will include an examination of EEOC's recent case before the Special Panel on this issue.

B. **LGBT Employees: Practical Guidance and Advice for the Workplace**  
(Private/Federal audience)

This presentation will focus on the current federal protections afforded LGBT employees and how to effectively communicate these protections in the workplace. We will explore methods to encourage open dialogue and create a more inclusive work environment. We will explain the existing protections for LGBT employees, discuss various strategies to prevent employment discrimination and examine ways agencies can navigate LGBT issues in the workplace. Participants will learn offensive terms that should be avoided in the workplace, and best practices that an organization can adopt to eliminate discrimination on the bases of sexual orientation and gender identity.

C. **ADEA: The Age Wave in the Workplace - How the ADEA is Trending**  
(Private/Federal Audience)

What is the fastest growing segment of the workforce? It's workers age 55+. More workers age 55-64 are staying on the job, yet 64% of older workers report they had seen or experienced age discrimination in the workplace. This session will examine the pressing and current issues under the Age Discrimination in Employment Act and provide guidance on these issues.

D. **Bermuda Triangle of FMLA/ADA & Workers' Compensation** (Private Sector audience)

The interaction of the FMLA, ADA and workers' compensation laws is frequently called the Bermuda Triangle of employment law. This session will define the coverage, explain how these laws interact and highlight how lack of understanding of these laws can cost an employer.

E. **What's in your FAD? Writing Timely and Effective Final Agency Decisions.**  
(Federal audience)

Does your agency consistently produce well written, effective FADs? By presenting best practices and tips from both an agency and EEOC perspective, this session aims to provide attendees with balanced guidance and practical insight on what a FAD must address, and how to address case issues adequately. This session will also identify some of the emerging or tricky issues, such as sex stereotyping and harassment on social media, as well as invite attendees to dialogue with the presenters about their most problematic cases.

F. **EEO Mediation Cases - Lessons Learned and Best Practices** (Federal audience)

Join a panel of Commissioners from the Federal Mediation and Conciliation Service (FMCS) in a discussion on how to deal with sensitivities on all sides in EEO Mediation cases.

G. Open

H. Open

I. **Hearings Preparation Track**

J. **MD – 715 Barrier Analysis Track**

## **3:00 p.m. - 3:30 p.m. - Mid-Afternoon Break**

### ***WORKSHOP SESSION IX: 3:30 p.m. – 5:00 p.m.***

A. **Social Media in the Workplace: The Good, the Bad and the Ugly** (Private/Federal audience)

The use of social media is pervasive in today's society and workplace. Social media's impact has created both favorable benefits and unfavorable risks for organizations. This panel will discuss potential legal issues that may arise and offer practical guidance.



**B. 25 Years of the ADA: What's Reasonable? (Private/Federal audience)**

Reasonable accommodations are the center piece of the ADA. But, it is not always easy to know what to do when presented with complex or ambiguous requests for accommodation. You may not know how to respond if the need for accommodation is not easily discernible or frequently changing. This session provides practical information and best practices for managing reasonable accommodation in the workplace.

**C. National Origin Discrimination & Immigration-Related Unfair Employment Practices (Private Sector audience)**

National origin discrimination issues includes more than immigration issues. This session will address the coverage provided by the EEOC and the OSC and how the two differ. Employers will gain practical tips to guide them on the issues.

**D. Federal Sector - The Year in Review -- EEOC Case Update (Federal audience)**

Hear a brief discussion of the most recent cases issued by the EEOC. Topics will cover harassment, disability, reprisal and much more.

**E. Security Clearances – Beyond The Veil (Federal Audience)**

The seminal Supreme Court case of Department of Navy v. Egan provides the legal framework for analyzing security clearance related claims. The Court considered the limits that Congress imposed with regard to examining the merits of decisions on security clearances. However, in limited circumstances, the Commission and the federal courts have found circumstances in which may be examined; for example, where the grant, denial, or revocation of a security clearance was carried out in a discriminatory manner; where the procedures set forth at 5 U.S.C. § 7513 were not followed; and where an agency violates its own regulations in the process of revoking a security clearance. This session will consider those circumstances.

**F. Title VII Legal Update (Private sector audience)**

EEOC experts provide a breakdown and discussion of the most recent Title VII cases. What are the implications of these cases and where are the emerging areas for future litigation?

**G. Hearings Preparation Track**

**H. MD – 715 Barrier Analysis Track**